REMARKS

Claims 1 - 8 remain in this application. Claims 1 - 8 are rejected. Claims 1 - 8 are amended herein to clarify the invention, to address matters of form unrelated to substantive patentability issues, and to overcome 35 U.S.C. 112, second paragraph bases for rejection of certain of the claims, as set forth by the Examiner in the Office Action.

In the Office Action, previous claims 1 - 8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

In particular, the Examiner has found use of the phrases "and other characteristics", "comparatively small", and "if necessary", as used in claim 1, to be ambiguous, the first, with regard as to what constitutes "other", the second, with regard to the degree of similarity connoted by "comparatively", and the last, with regard to who makes th determination and what factors determine necessity.

It is submitted that all of the foregoing bases for rejection are overcome by the amendments to the claims, particularly claim 1, as made in the present Amendment.

In the Office Action, previous claims 1 - 8 of the present application, as interpreted by the Examiner, were rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1 - 27 of U.S. Patent 6,612,398 to Tokimatsu et al. ('the '398 Patent").

The Examiner has stated that claims 1 - 27 of the '398 Patent recite the same invention as that claims according to previous claims 1 - 8 of the present application, except that they are broader with regard to recital in previous claim 1 of "if necessary changing the locations". In view thereof, the Examiner found the previous claims of the present application to be obviated by the '398 Patent.

The Examiner has indicated that this provisional non-statutory double patenting rejection may be overcome by the filing of a terminal disclaimer disclaiming that part of the term of any patent issuing on the present application extending beyond the term of Applicants' issued U.S. Patent No. 6,612,398, which has a normal termination date of April 16, 2011, under a terminal disclaimer with respect to related U.S. Patent 6,253,870, of which the '398 Patent is a Continuation. The termination date of the '870 U.S. Patent is based on a twenty year term from the earliest U.S. application date from which the '870 Patent is entitled to claim priority, which is April 16, 1991, the filing date of the ultimate parent application in a chain containing three other intervening continuation applications, each abandoned in sequence.

In response to the Examiner's request, Applicants submit herewith the accompanying Form PTO/SB 08a and 08b, Applicants' Information Disclosure

Statement, listing all of the references cited in Applicants' related patents, U.S. Patent Nos. 6,253,870 and 6,612,398.

No additional claims in excess of those previously paid for are added by this Amendment, therefore, no additional claims fees are presently due.

This Amendment is being filed within the original three month shortened statutory period for response, therefore a request for an extension of time is not required, and no extension fees are presently due.

If any additional fees should presently be due in connection with the filing of this Amendment, or if Applicants are entitled to any refunds of previously made overpayments in the case, they should be respectively charged or credited to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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